

(MR. SPEAKER)

The motion was adopted.

The Title and the Preamble were added to the Bill.

Motion to pass.

Sri A. G. RAMACHANDRA RAO.—Sir, I move:

“That the Mysore Court Fees (Amendment) Bill, 1952, as reported by the Select Committee, be passed.”

MR. SPEAKER.—The question is:

“That the Mysore Court Fees Amendment) Bill, 1952, as reported by the Select Committee, be passed.”

The motion was adopted.

MR. SPEAKER.—We will take up Bills 2, 3, 4 and 5 on the agenda tomorrow. We may now take up No. 6, the Mysore Village Panchayets and District Boards (Amendment) Bill, 1952.

Sri T. CHANNIAH (Minister for Public Health and Local Self-Government).—Sir, I request that this Bill be taken into consideration tomorrow, since some amendments have to be reconsidered and recast.

MR. SPEAKER.—Then we will take up the next Bill, *i.e.*, the Mysore Restriction of Habitual Offenders Bill, 1952.

The Mysore Restriction of Habitual Offenders Bill, 1952.

Motion to consider.

Sri H. SIDDAVEERAPPA Minister for Home Affairs and Agriculture.—Sir, I move.—

“That the Mysore Restriction of Habitual Offenders Bill, 1952, be taken into consideration.”

Sir, as the House is aware, in all civilised countries, it is the duty of the Government to control professional crime; crime should be checked. In India, Sir, so far two categories of people who are accustomed to commit crimes were recognised, one belonging

to certain ethnic classes or castes and the other who do not belong to any particular community, but were addicted to commit crimes. Sir, after the advent of Independence, it was thought that it would not be right to brand any particular community as a community addicted to crimes and the Government of India have suggested that Restriction of Habitual Offenders Bill may be introduced at the earliest possible moment in Mysore. Sir, by the Central Act that is already passed, the Acts that we have now, namely, the Mysore Criminal Tribes Act, Act No. VII of 1916 which has been subsequently revised by Act No. X of 1925 and Act No. XIV of 1933, are annulled right from the end of August 1952. This is as per the Central Act that has already been passed. Hence there is the need for substituting it by a rational Act, which is in effect to mitigate certain of the hardships and the rigours as are found in the old Act. And then certain reforms also are thought of being introduced by this new Act.

Sir, the main principles of the Bill are that according to clause 8 Government have to establish industrial, agricultural or reformatory settlements with a view to see that some of these offenders are usefully occupied in life. It is also suggested that in the matter of maintaining law and order it is better maintain some of the provisions of the old Act in a simplified manner rather than to remove the rigours one could find in the old Act. It is a welcome measure and, I should say a wholesome measure, when compared with the old Act, in this sense that this Bill removes the distinction or the stigma that was once attached to a particular community being called a criminal tribe. For the sin of having been born in a particular community the whole community was branded as criminal although there may be some honest men and really good men even in that community. The term “habitual offender” has been defined and it is made very clear that those that are accustomed to do particular kinds of offences, as can be seen in the Schedule which has been annexed to this Bill, particularly those coming under the

coinage section and those coming under culpable homicide and murder and others referring to theft and house breaking, robbery and several other heinous offences, to whatever community they may belong or to whatever caste they may belong, all those offenders who have undergone imprisonment and who have been convicted three times are expected to be brought under the purview of this Bill. I think this is a measure which is overdue for a long time and it has now become imperative in view of the fact that the old Act is going to be annulled from the end of August 1952. With these observations I commend this Bill for the acceptance of the House.

Mr. SPEAKER.—Motion moved :

“That the Mysore Restriction of Habitual Offenders Bill, 1952, be taken into consideration.”

Sri K. PATTABHIRAMAN (Kolar).—Sir, I would like to make one or two observations, not that I want to oppose the Bill either. I see that the next stage in the order paper is that the Hon'ble Minister is going to move that the Bill be passed. If it commends to him, I would rather suggest that we pay some attention to a contentious legislation such as this by eliciting public opinion or it may be referred to a select committee when we can pay greater attention it certainly deserves than at present. I am not saying this with a spirit of opposition to the Bill but rather I wish that the Hon'ble Minister would consider this suggestion as it is, in my opinion, an important legislation. As a matter of fact when I make one or two observations on the general principles embodied in this legislation, I wish that all that my esteemed friend said about it were really borne out by this legislation. I should then have no hesitation in accepting it straightaway. When I was making a cursory glance over this Bill, I found that we start as it were with this material, *viz.*, that those who had three convictions to their credit by notification according to clause 3—and clause 4 provides for delegation of powers—become notified offenders. I do not personally see that it could be said as

a very welcome change. Nevertheless I am open to conviction; I would only request that the Hon'ble Minister may be pleased to consider this suggestion, namely, that we pay some more attention to this contentious legislation and consider this. I do not think there is any harm—at the next session of the Assembly.

Sri H. SIDDAVEERAPPA.—I should have had no hesitation in responding to the request of my friend but for the pressing urgency of this measure. As is mentioned in the Statement on Objects and Reasons, it will be seen that the Criminal Law (Repeal) Act, 1952 and the Central Act (XXIV of 1952) which has already been passed repeal all the corresponding State Acts with effect from 31st August 1952. Hence unless this Bill is passed certain vacuum is bound to be created. That is my difficulty. The present Act automatically stands repealed from 31st August 1952 and I do not know for the moment when the next session of the Assembly is going to meet. Had I an inkling that it is likely to meet well within that time, probably there would have been no hesitation on my part to respond to the request of my friend. Not that I want to hustle through this legislation. But the extreme urgency of the situation demands that the House may be pleased to give its accord in this session only. My friend casually observed that some of the Provisions—of course my friend was so good as to enlist his approval to the Bill—are not. . . .

Sri K. PATTABHIRAMAN.—Liberal, as I am forced to believe.

Sri H. SIDDAVEERAPPA.—liberal. But Government do reserve the right, if a person has been notified as a habitual offender, to take away any person from the category of that list. Government have powers to liberalise or view with certain amount of sympathy if there are any cases of proved hardship. I should say it all depends upon the actual working how the Government view certain of the provisions. I have compared the provisions of the old Act with those of the present Act. I would earnestly request my friend to go through the provisions of the old Act,

(SRI H. SIDDAVEERAPPA)

and we will see that some of the provisions as given in the present Bill are certainly more beneficial. I am only stating in terms of comparison the rigours found in the old Act. Therefore I hope My friend will—he was good enough to say that he was not opposing any provisions of the Bill but wanted some more time to consider it—agree with me when I say that on account of the urgency of the situation I cannot comply with his request.

Mr. SPEAKER.—He pressed on the attention of the Hon'ble Minister that there are some provisions such as the Explanation to definition (2) where an order for security for good behaviour has to be treated as equivalent to conviction and he stated that they require serious consideration. It is from that point of view perhaps that he wanted his suggestion to be considered by the Hon'ble Minister. But in view of the reply he has made.....

Sri K. PATTABHIRAMAN.—As a matter of fact I wanted to make one submission to the House. Similar legislation is on the anvil of the Central Parliament. Only last time we had the Hon'ble Minister, Dr. Katju, making a statement on this. I know the working of the Criminal Tribes Act in Mysore, coming as I do from Kolar District and I have perhaps more intimate knowledge of the criminal tribes both as a lawyer and otherwise also—there was a time when I was myself considered a criminal—and I should still appeal to the Hon'ble Minister. It is an important measure and I am glad that he has satisfied himself and I certainly pin my hope to the satisfaction that the Hon'ble Minister claims for himself. Nevertheless I feel that he should be good enough to accede to my request to consider this some time later or at least tomorrow. We will just apply our minds and if there is any suggestion worth the name, the Hon'ble Minister may take it.

Sri H. SIDDAVEERAPPA.—Sir, if you are agreeable, I have no objection. It may be taken up tomorrow.

Mr. SPEAKER.—I have nothing to do with the discussion. The point he

raised appealed to me and I brought it to your notice for serious consideration. It is left to you.

Sri H. SIDDAVEERAPPA.—I may say, it may be taken up tomorrow.

Janab J. MOHAMED IMAM.—As has been pointed out by Sri Pattabhiraman, this is a very important Bill and a very important measure that affects a good section of our citizens. In all such important measures, it is undesirable to hurry or to rush through without considering the Bill carefully or without giving proper opportunities to the Members of this House...

Sri H. SIDDAVEERAPPA.—With your permission, may I intervene, Sir? This Bill I introduced, as you are aware, very early, nearly a month ago.

Janab J. MOHAMED IMAM.—I agree. But, what I am suggesting is this. I would request the Minister to accept the motion to refer it to the Select Committee. The Select Committee will go through it very carefully tomorrow or the day after.

Mr. SPEAKER.—Then, that will not be during this session.

Janab J. MOHAMED IMAM.—Government may pass an emergency ordinance, if necessary. The Bill may go to the Select Committee.

Sri A. BHEEMAPPA NAIK (Molakalmuru).—The Hon'ble Member said 'emergency ordinance.' No emergency ordinance may be passed, because the Bill has been brought before the House. If there is no session, in the intervening period, ordinance may be passed. But, as Janab Imam suggested, even to-day we may just have a Select Committee, put this before the Select Committee and bring it tomorrow, if that can be allowed under the law. That would be the best way, because the Minister says on 31st August it expires and there cannot be a gap. It is very necessary that this is passed in this session. But, as Sri Pattabhiraman suggested it may be postponed till tomorrow or as Janab Imam suggested, have a Select Committee to-day and the Select Committee may meet to-night or tomorrow morning and bring it tomorrow afternoon before this House.

Sri H. SIDDAVEERAPPA.—Sir, Hon'ble Members, some of them I am sure, have gone through the provisions of this Bill which is before them during the last one month. I have certainly yielded to their request and I may assure them, if they convince me that any of the provisions here require any modification, I am prepared to keep an open mind. But, I do not think if we hustle through and hurry through a Select Committee within the short period that is available, any justice can be done. I hope, my friend, the Leader of the Opposition, will agree with me. He may give us his views. I will respect them and will see to what extent I may agree or try to see to what extent his opinion can be responded to. But, I do believe that no useful purpose would be served by referring this to a Select Committee, within the prescribed period as anticipated by Sri Bheemappa Naik. I hope, the Bill may be taken up and if it is so desired, I have personally no objection to take it up tomorrow. But, I personally feel that it may be taken up today itself. Anyway, I am very particular that this Bill be passed during this session only for the reasons already stated.

Sri R. ANANTHARAMAN (Chamarajpet).—One clarification. In Section 2, sub-clause (2).

'Habitual offender' means a person who, before or after the commencement of this Act, has been sentenced to a 'substantive term' of Imprisonment.

It is better that the expression 'substantive term' is clarified because it may be two months, three months or two years. . . .

Mr. SPEAKER.—As an Advocate you know what it is. (Laughter.)

Sri R. ANANTHARAMAN.—It is better this is limited to a certain period. Supposing a person commits three offences and is convicted for 3 months. Should he be treated as a habitual offender?

Mr. SPEAKER.—Neither Sri Pattabhiraman nor any other Hon'ble Member of this House has pointed out

which of the clauses of the Bill are to be amended or to be omitted. In view of the fact that the Hon'ble Minister states that he is always ready to accept amendments when brought before the House, I think we may give consent to the passing of the Bill.

Now the question is:—

"That the Mysore Restriction of Habitual Offenders Bill, 1952, be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—Clauses 2 to 7, both inclusive.

The question is:—

"That clauses 2 to 7, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 2 to 7, both inclusive were added to the Bill.

Mr. SPEAKER.—Clause 8.

*ಶ್ರೀ ಬಿ. ಹುಚ್ಚೇಗೌಡರು (ತುರುವೇಕೆರೆ).—
ಸ್ವಾಮಿ, ನನ್ನ ತಿದ್ದುಪಡಿ ಈ ರೀತಿಯಿದೆ:

"At the end of the clause the following words be added:—

'to be established after the enforcement of this Act' "

ಎಂದು. 8ನೆಯ ಕ್ಲಾಜಿನ ಪ್ರಕಾರ ಸೆಟಲ್ ಮೆಂಟ್‌ಗಳನ್ನು ಏರ್ಪಡಿಸುವ ವಿಷಯವನ್ನು ಪ್ರಸ್ತಾಪಿಸಿ,

"The Government may establish industrial, agricultural or reformatory settlements and may order any notified offender to be placed in any such settlement "

ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಈಗೇನಾದರೂ ಇಂಥ ಸೆಟಲ್ ಮೆಂಟ್ ಯಾವುದಾದರೂ ಏರ್ಪಡಾಗಿದೆಯೇ ಎಂದು ಕೇಳಿದ್ದಕ್ಕೆ ಯಾವುದೂ ಇಲ್ಲವೆಂದು ಹೇಳಿದರು. ಈಗ ಈ ಆಕ್ಟ್ ಅದಮೇಲೆ ಅದರ ಪ್ರಕಾರ ಯಾರನ್ನಾದರೂ ಒಂದು ಸ್ಥಳದಲ್ಲಿ ಇಡಬೇಕಾಗಿದ್ದರೆ ಅವರಿಗೇನು ಏರ್ಪಡುವುದಾದ್ದಾರೆಂಬುದನ್ನು ಮೊದಲು ತಿಳಿದುಕೊಳ್ಳುವುದು ಅವಶ್ಯಕ.

*Asterisk indicates that the speech has not been revised by the Hon'ble Member concerned.

(ಶ್ರೀ ಬಿ. ಹುಚ್ಚೇಗೌಡರವರು)
ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಇದನ್ನು ವಿಶದಪಡಿಸಿದರೆ
ಒಳ್ಳೆಯದು.

Sri H. SIDDAVEERAPPA.—Sir, it can well be seen that Clause 8 comes into operation only after the Bill is passed and not otherwise, and that is a matter which is under the active consideration of the Government as to where we have to do and when we have to do. The financial implication also, which is given in the Financial Memorandum, may please be seen by the Hon'ble Member. When settlements ought to be established, Government will have to do it on occasions when eventualities arise.

ಶ್ರೀ ಬಿ. ಹುಚ್ಚೇಗೌಡರು.—ಇದೇ ರೀತಿಯಾಗಿ Beggars Relief Act ನಲ್ಲೂ ಮಾಡಿ ಜಾರಿಗೆ ತಂದರು. ಅದರ ಅನೇಕ ವರ್ಷಗಳು ಇಂಥ ಕಾಲೋನಿಗಳ ವಿಚಾರದಲ್ಲಿ ಏನೂ ಏರ್ಪಾಡೇ ಮಾಡಲಿಲ್ಲವೆಂಬುದು ಎಲ್ಲರಿಗೂ ಗೊತ್ತೇ ಇದೆ.

Mr. SPEAKER.—ಅದು ಬೇರೆ ವಿಚಾರ. Whether action is taken by Government or not is quite different from framing the law.

ಶ್ರೀ ಬಿ. ಹುಚ್ಚೇಗೌಡರು.—ಮುಖ್ಯವಾಗಿ ಇದನ್ನೇಕೆ ಹೇಳುತ್ತಿದ್ದೇನೆಂದರೆ, ಇಂಥ ಆಕ್ಟ್ ಪಾಸ್ ಮಾಡಿಬಿಟ್ಟರೆ, ಅದರಲ್ಲಿ ಹೇಳಿರುವಂತೆ ಕಾಲೋನಿಯಾಗಲಿ ಸೆಟಲ್‌ಮೆಂಟ್ ಆಗಲಿ ನಡೆಯಬೇಕಾದರೆ ಎಷ್ಟು ವರ್ಷಗಳಾದರೂ ಆಗುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಈ ರೀತಿಯಾಗಿ ಸೆಟಲ್‌ಮೆಂಟ್‌ಗಳನ್ನು ಮಾಡುವುದು ಅತ್ಯಗತ್ಯವೆಂದು ಹೇಳಿ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಸೇರಿಸಿಕೊಳ್ಳಬೇಕೆಂದು ನಾನು ಹೇಳುತ್ತೇನೆ.

Sri H. SIDDAVEERAPPA.—Sir, as I have submitted, I hope my friend Sri Hutche Gowda will agree with me, what is envisaged in his amendment has certainly to come into force only after the Bill has been passed. I consider, Sir, it is superfluous and I may assure the Hon'ble Member that whenever a provision has to be brought into force, Government means business and serious business too.

Mr. SPEAKER.—I think that explanation will convince the Hon'ble Member.

Sri B. HUTCHE GOWDA.—I seek leave of the House to withdraw my amendment.

The amendment was by leave withdrawn.

Mr. SPEAKER.—The question is :

“That Clause 8 stand part of Bill.”

The motion was adopted

Clause 8 was added to the Bill.

Mr. SPEAKER.—Clauses 9 to 15, both inclusive. The question is :

“That Clauses 9 to 15, both inclusive, stand part of the Bill.”

The motion was adopted.

Clauses 9 to 15, both inclusive, were added to the Bill.

Sri K. PATTABHI RAMAN.—I wanted to say something about clause 15.

Mr. SPEAKER.—Now it is over. When we take up the next stage, you can say that.

Sri K. PATTABHI RAMAN.—I shall say this across the table Sir. If he agrees I shall be satisfied.

Mr. SPEAKER.—Clause 16.

Sri B. HUTCHE GOWDA.—Sir, I move :

“That in line 3 of sub-clause (1) between the words “Act” and “at” insert the words “who is a habitual offender.”

ಸ್ವಾಮಿ, 16 (1)ನೆಯ ಕ್ಲಾಜನಲ್ಲಿ ಈ ರೀತಿ ಇದೆ.

“16 (1) In respect of every person who stood registered under the Mysore Criminal Tribes Act, 1916 (hereinafter in this section referred to as the said Act), at the commencement of this Act and who, within a period of five years immediately preceding such commencement, had been either ordered to give security for good behaviour”

ಈಗಾಗಲೇ ಹೇಳಿರುವ ಹಾಗೆ, ಕ್ರಿಮಿನಲ್ ಟ್ರಿಬ್ಸ್ ಆಕ್ಟ್‌ನ್ನು ರಿಪೀಲ್ ಮಾಡಿದುದರ

ಉದ್ದೇಶವೇನೆಂದರೆ, ರಾಜ್ಯಾಂಗದ ಪ್ರಕಾರ ದೇಶದಲ್ಲಿ ಸರ್ವರಿಗೂ ಸ್ವಾತಂತ್ರ್ಯವಿರಬೇಕು; ಹುಟ್ಟಿನಿಂದ, ಜಾತಿಯಿಂದ ಅಥವಾ ಇಂಥ ಇತರ ಯಾವ ಕಾರಣದಿಂದಲೇ ಆಗಲಿ ತಪ್ಪನ್ನು ಹೊರಿಸುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲ ಎಂಬ ತತ್ವದ ಮೇಲೆ ಹೀಗೆ ಮಾಡಿದ್ದಾರೆಂದು ನಾನು ತಿಳಿದು ಕೊಂಡಿದ್ದೇನೆ. ಹೀಗಿರುವಾಗ ಅದನ್ನು ಇನ್ನೊಂದು ರೂಪದಲ್ಲಿ 'ಹ್ಯಾಬಿಚ್ಯುಯಲ್ ಅಫೆಂಡರ್ಸ್' ಎಂದು ತಂದಿರುವುದು ನಮ್ಮ ದೇಶಕ್ಕೇ, ಜನಾಂಗಕ್ಕೇ ಒಂದು ದ್ರೋಹವಾಗುತ್ತದೆ. ಇವರ ಮುಟ್ಟುಗಲ್ಲದೆ ಅನೇಕ ವೇಳೆ ಈ ಕಾನೂನನ್ನು ಇತರರಿಗೂ ಕೂಡ ಅನ್ವಯಿಸಬೇಕಾಗುವ ಸಂದರ್ಭವಿರುತ್ತದೆ. ಮೂರು ಸಾರಿಗಿಂತ ಹೆಚ್ಚಾಗಿ ಯಾರಿಗಾದರೂ ಶಿಕ್ಷೆಯಾದರೆ ಅವರೆಲ್ಲರೂ ಈ ಕಾನೂನಿಗೊಳಪಡುತ್ತಾರೆ. ಇಲ್ಲಿಯವರೆಗೆ ಕಾನೂನುಗಳು ಜಾರಿಯಾಗುತ್ತಿರುವುದು ಅನುಭವದಿಂದ ಗೊತ್ತಾಗಿದೆ. ಯಾವ ಕಾನೂನುಮಾಡಿದರೂ ಕೂಡ ತಮಗೆ ಅನ್ವಯಿಸದೆ ಅದು ಇನ್ನೊಬ್ಬರಿಗೆ ಅನ್ವಯಿಸಬೇಕೆಂಬ ಭಾವನೆಯಿಂದ ಮಾಡುತ್ತಿದ್ದಾರೆ. ಹೀಗೆ ಇದರಲ್ಲಿ ಎನಾಗಿದೆಯೆಂದರೆ, ಶ್ರೀಮಾನ್ ಭೀಮಪ್ಪ ನಾಯಕರು ಈ ಹೊತ್ತು ಇಲ್ಲಿರಬಹುದು, ನಾಳೆ ಬೇರೆ ಕಡೆ ಬಂದರೆ ಅವರಿಗೂ ಈ ಕಾನೂನನ್ನು ಅನ್ವಯಿಸುವುದಕ್ಕೆ ಅಡ್ಡಿ ಇಲ್ಲ. ಹೀಗೆ ಒಂದು ರೂಪದಲ್ಲಿ ಕ್ರಿಮಿನಲ್ ಟ್ರೈಬ್ಸ್ ಆಕ್ಟ್ ಹೋದರೂ ಮತ್ತೊಂದು ರೂಪದಲ್ಲಿ ಆ ಟ್ರೈಬ್ಸ್‌ಗೆ ಸೇರಿಲ್ಲದೇ ಇರುವವರನ್ನೂ ಸೇರಿಸಿಕೊಂಡು ದೇಶದಲ್ಲಿ ಕಳವಳ ಉಂಟಾಗುವ ರೀತಿಯಲ್ಲಿ ಈ ಕಾನೂನು ರಚಿತವಾಗಿದೆ. ಎರಡನೆಯ ಕ್ಲಾಜಿನಲ್ಲಿರುವ ಅರ್ಥವಿವರಣೆ (definition) ಕೂಡ ಬಹಳ ವಿಶಾಲವ್ಯಾಪ್ತಿಯುಳ್ಳದಾಗಿದೆ. ಈಗಾಗಲೇ ತೋರಿಸಿದಂತೆ habitual offenders ಎಂಬುದನ್ನೂ substantive term of imprisonment ಎನ್ನುವುದನ್ನೂ ಸರಿಯಾಗಿ ವಿವರಿಸಿಲ್ಲ. ಬೇಕಾದರೆ ತಿದ್ದುಪಡಿ ತರುತ್ತೇನೆಂದು ಈಗಾಗಲೇ ಮಂತ್ರಿಗಳು ಹೇಳಿದರು. ಅದನ್ನು ಕೇಳಿ ಸಂತೋಷವಾಗಿತ್ತು. ಆದರೆ ಆ ಕ್ಲಾಜು

ಅಂಗೀಕಾರವಾಗಿಹೋಯಿತು, ಹೋಗಲಿ. ಅನಿಷ್ಟಪಕ್ಷ ಈ ಸಣ್ಣ ತಿದ್ದುಪಡಿಯನ್ನಾದರೂ ಅವರು ಒಪ್ಪಿಕೊಳ್ಳುತ್ತಾರೆಂದು ನಂಬಿ ಇದನ್ನು ಸಭೆಯ ಮುಂದಿಟ್ಟಿದ್ದೇನೆ. Habitual offender ಎಂಬ ಪದ ಬರಬೇಕು. ಇದನ್ನೂ ಬಿಟ್ಟರೆ ಸಾಮಾನ್ಯವಾಗಿ ಎರಡು ಮೂರು ತಿಂಗಳು ಶಿಕ್ಷೆಯಾದರೆ ಅವನನ್ನೂ ಸೇರಿಸುವುದಕ್ಕೆ ಇದರಲ್ಲಿ ಸಾಧ್ಯವಿದೆ. ಇಂಥ ಅವಕಾಶ ತಪ್ಪಲೆಂಬ ಉದ್ದೇಶದಿಂದ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿರುವುದು. ದಯೆಯಿಟ್ಟು ಸಭೆ ಇದನ್ನನುಮೋದಿಸಬೇಕೆಂದು ಅರಿಕೆ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ.

Sri H. SIDDAVEERAPPA.—Sir, I heard very closely the argument advanced by my friend Sri Hutche Gowda persuading me to accept his amendment. But I regret I found it unconvincing and that is the reason why I was not prompted to accept this amendment. Of course my learned friend submitted that there is every likelihood of this Act being applied to others for whom it is not meant. But I should like to make it quite clear to him that the definition clause with regard to habitual offender is quite clear and it is unequivocal. There is no room for any doubt nor any room for ambiguity and no Government Sir, whatever Government may be in power, can afford to wink at these habitual offenders. Government have to see that their activities are kept well under check. If we mean that the life and property of the citizen are to be preserved and given protection to, some of these measures are really very necessary and I do not see any reason why my friend should think that the power given under this Act can be misused or it can be used against persons for whom it is not meant.

Sri B. HUTCHE GOWDA.—I agree with you. Why not these words 'habitual offender' be inserted?

Sri H. SIDDAVEERAPPA.—'Habitual offender' comes into force only after this Act is put into force. You will kindly see that section 16 refers to some of the cases that have already taken place under the old Act which is

(SRI H. SIDDAVEERAPPA)

going to be repealed. You will kindly see that point. Then you will be persuaded to believe that there is nothing wrong with regard to the wording of that section 16. And my friend may as well see Sir, as to what are the sections under which if a man is convicted, he can come under the definition of the terms "habitual offender".

You will see Sir, that some of these sections refer to some of the heinous offences that the Indian Penal Code provides. Therefore, any man who has been convicted under any of the provisions of the Indian Penal Code or under the provisions of any special Acts, whatever may be the number of convictions he may have had, cannot be brought under the purview of this Act. It is only a man who has been convicted for three successive times for offences coming under the category of those offences that are mentioned in the Schedule, that can be brought under the scope of this expression. Therefore you will see that it is essentially meant against those who are—if I may use that word,—a 'nuisance' to the society and is necessary in the interests of protection of property and lives of the citizens.

SRI B. HUTCHE GOWDA.—So it does not mean any substantial change if you insert this word?

SRI H. SIDDAVEERAPPA.—I may say Sir, it does not improve the position also as my learned friend would like to make out. I may also say with regard to the necessity of the amendment of this nature at this juncture: this particular section refers only to certain orders that have already been passed under the old Act. If you will only see, you can understand that section 16 refers only to Acts and orders that have been passed under the existing law. This is only a continuing provision. Therefore I hope there is no need for that amendment and I hope that my friend will be good enough not to press his amendment.

SRI B. HUTCHE GOWDA.—I press the amendment Sir.

MR. SPEAKER.—The question is :

"That in line 3 of sub-clause (1) between the words "Act" and "at" insert the words "who is a habitual offender".

The motion was negatived.

MR. SPEAKER.—The question is.—

"That Clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

MR. SPEAKER.—The Schedule. The question is :—

"That the Schedule stand part of the Bill."

The motion was adopted.

The Schedule was added to the Bill.

MR. SPEAKER.—Clause 1 The question is.—

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

MR. SPEAKER.—Title and Preamble. The question is.—

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

Motion to pass.

SRI H. SIDDAVEERAPPA.—Sir, I move :

"That the Mysore Restriction of Habitual Offenders Bill, 1952 be passed."

MR. SPEAKER.—The question is :

"That the Mysore Restriction of Habitual Offenders Bill, 1952 be passed."

The motion was adopted.

Janab J. MOHAMED IMAM (Jagalur).—Sir, I want to know from the Home Minister if the Silk-worm Seed (Control of Distribution) Bill can be taken up tomorrow as some of my friends are anxious to study the Bill.

Mr. SPEAKER.—There are Bills Serial Nos. 2, 3, 4, 5 and 6 to be taken up to-morrow. They seem to be important Bills including the Mysore Appropriation Bill (No. 4) which is also a very important Bill. I am afraid there may be no time.

The Mysore Prohibition of Smoking in Show Houses and Public Halls Bill, 1952.

Motion to consider.

Sri H. SIDDAVEERAPPA (Minister for Home Affairs).—Sir, I move :

“That the Mysore Prohibition of Smoking in Show Houses and Public Halls Bill, 1952, be taken into consideration.”

Sir, as you are aware, the Government of Mysore have, by a notification in 1950, prohibited smoking in cinema houses and that has been in force from the period of that notification. In the Cinematograph Act of 1946, a new rule, viz. Rule 58-A has been inserted. The object of this measure is that whenever smoking has been resorted to, particularly in public places, those that have gone there for similar recreation will find it hard to amuse themselves and there are some who do not like smoking and not only that, particularly in cinema houses it is bound to cause annoyance, as the vision, I am told, is likely to be blurred if there is excessive smoking in the cinema houses. Although by means of a Government notification we have already prohibited smoking in cinema houses, it was found that a legislative enactment was necessary for the simple reason that if there was any wilful breach, the Government were not clothed with any legislative enactment to book the offender or get him punished. Already Madras and West Bengal have got over a difficulty of this nature. Such a situation arose there and legislative enactments were passed. Therefore, the Government have thought it fit to bring forth a legislative enactment in order to clothe themselves with legal power.

The definition with regard to ‘Show House’ has been rather enlarged. It has been made clear that these terms refer not only to Cinema Houses but also to other places of amusements such as Drama, Dances Physical feats, etc. We have also made it clear as to when smoking should not be resorted to in those particular places. It has been very clearly mentioned in clause 3 that smoking should not take place at least 30 minutes before the commencement of the demonstration. The penalty clause also is there. Whoever tries to violate any of the provisions mentioned in this Act may be physically expelled from the place of public resort by a police officer on the spot and not only that, he may be prosecuted and punished as mentioned here, that is, he may be fined to the tune of Rs. 50 for the first offence and Rs. 100 for the second offence. I believe some of my Hon’ble friends here will certainly agree with me.....

Sri B. HUTCHE GOWDA.—Who are not smokers.

Sri H. SIDDAVEERAPPA.—If I may say so, although I am a smoker, I do welcome this measure in the larger interests of the State and in the larger interests of those who have recourse to places of public amusement and I do believe that it will have the universal support of this House and I commend the Bill for the approval of the House.

Mr. SPEAKER.—Motion moved :

“That the Mysore Prohibition of Smoking in Show Houses and Public Halls Bill, 1952, be taken into consideration.”

Janab J. MOHAMED IMAM (Jagalur).—I regret very much that this Bill cannot have the universal support of this House.

Mr. SPEAKER.—Overwhelming majority then.

Janab J. MOHAMED IMAM.—But there will be effective and qualitative opposition. It is the right of every citizen, and it is a civil right, to smoke, to snuff and to practice other habits which are not injurious to the society at large. This Bill fundamentally aims at the curtailment of the civil liberty of the citizens. Of course, there should